



March 11, 2016

Ms. Elizabeth Davis
McCormick Barstow LLP
P.O. Box 28912
Fresno, CA 93729-8912

Dear Ms. Davis:

This is a supplement response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2016-000072), submitted on October 20, 2015, in which you requested the following:

“Any and all DOCUMENTS and COMMUNICATIONS RELATING TO GSA LEASE AGREEMENT No. GS-09B-03051 between BALTARA and the United States of America, including, but not limited to, any amendments thereto, bids, proposals, revisions, negotiations, requested tenant improvements, and/or the property to be leased thereunder. (True and correct copies of the GSA LEASE AGREEMENT, including Lease Amendment No. 1 and Lease Amendment No. 2, are attached hereto and collectively marked as Exhibit ‘A’.)

Any and all DOCUMENTS RELATING TO COMMUNICATIONS between the GSA and BALTARA, DYCK, KUBAN, SUMMA and/or WDC RELATING TO the GSA LEASE AGREEMENT, including, but not limited to, any amendments thereto, bids, proposals, revisions, negotiations, requested tenant improvements, and/or the property to be leased thereunder.”

Following several conversations and correspondence with GSA personnel, you agreed to an initial response that would include documents from the contract lease file for Lease No. LCA03051. GSA’s response, dated January 15, 2016, included the following lease contract file documents: Floodplain Test Results – 1255 Fulton Mall; Fresno Advertisement (FedBizOpps); RLP (Final 7-10-12); Lease No. LCA03051 and Lease Amendments 1-6. Redactions and withheld content were noted in the release, pursuant to the provisions of FOIA, 5 U.S.C. § 552. A copy of the transmittal letter is attached.

After receiving the initial response to your FOIA Request, it was agreed over the course of several telephone conversations and email correspondence between yourself, Scott Ivy (Attorney, McCormick Barstow), GSA Region 9 FOIA Coordinator Gene Dea, and

GSA Region 9 Assistant Regional Counsel Rebecca Saroyan that GSA would provide a supplemental release to the initial FOIA related to post-award lease documents.

Accordingly, enclosed with this letter are the following documents, redacted as noted:

1. Award Occupancy Agreement (OA) No. ACA10697, Dated January 24, 2013
Agency Name pursuant to 5 U.S.C. § 552(b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. These documents contain highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

The exempt components to the Total Annual Rent, including Tenant Improvement and Building Specific Amortized Capital amounts, in accordance with Exemption 4, which prohibits the disclosure of information that would reveal commercial or financial information that is privileged or confidential. 5 U.S.C. § 552(b)(4).

Personally identifiable data in the form of signatures have been redacted under Exemption 6 because their inclusion would constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6).

2. Signed Reimbursable Work Authorization Dated March 27, 2012
Customer Agency Representative Names, phone numbers, and e-mail addresses pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(C). Exemption 6 relates to personal information regarding persons other than you. Release of this information would constitute a clearly unwarranted invasion of the personal privacy of the persons mentioned in the records. Exemption (b)(7)(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Redactions marked Exemption (b)(7)(C) are also covered by Exemption (b)(6).

Customer Agency Name, Agency Address, Agency-Identifying Codes pursuant to 5 U.S.C. § 552(b)(7)(F). Exemption 7(F) permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. This material contains highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

The exempt components to the RWA Grand Total in accordance with Exemption 4, which prohibits the disclosure of information that would reveal commercial or

financial information that is privileged or confidential. Also pursuant to Exemption 4, we have redacted the Agency/Customer Business Partner Network/Data Universal Numbering System Number (BPN/DUNS), as well as Agency account information.

Personally identifiable data in the form of signatures have been redacted under Exemption 6 because their inclusion would constitute an unwarranted invasion of personal privacy.

3. Project Summary: Scope of Work Dated June 6, 2012

Agency Name pursuant to 5 U.S.C. § 552(b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. These documents contain highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

The exempt components to the Total Reimbursable Cost to Agency in accordance with Exemption 4, which prohibits the disclosure of information that would reveal commercial or financial information that is privileged or confidential.

4. Signed Reimbursable Work Authorization Amendment 1, Dated June 20, 2012

Customer Agency Representative Names, phone numbers, and e-mail addresses pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(C). Exemption 6 relates to personal information regarding persons other than you. Release of this information would constitute a clearly unwarranted invasion of the personal privacy of the persons mentioned in the records. Exemption (b)(7)(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Redactions marked Exemption (b)(7)(C) are also covered by Exemption (b)(6).

Customer Agency Name, Agency Address, Agency-Identifying Codes pursuant to 5 U.S.C. § 552(b)(7)(F). Exemption 7(F) permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. This material contains highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

5.

The exempt components to the RWA Grand Total in accordance with Exemption 4, which prohibits the disclosure of information that would reveal commercial or financial information that is privileged or confidential. Also pursuant to Exemption 4, we have redacted the Agency/Customer Business Partner Network/Data

Universal Numbering System Number (BPN/DUNS), as well as Agency account information.

Personally identifiable data in the form of signatures have been redacted under Exemption 6 because their inclusion would constitute an unwarranted invasion of personal privacy.

5. Project Summary: Scope of Work Dated June 21, 2012

Agency Name pursuant to 5 U.S.C. § 552(b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. These documents contain highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

The exempt components to the Total Reimbursable Cost to Agency in accordance with Exemption 4, which prohibits the disclosure of information that would reveal commercial or financial information that is privileged or confidential.

6. Final Project Schedule, Dated June 21, 2012

Agency Name pursuant to 5 U.S.C. § 552(b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. These documents contain highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Excluded Lease File Records

GSA has excluded certain records from release under FOIA, as noted below:

1. Drawings/layouts from the Agency/Lessor (Design Intent Drawings – DIDs) pursuant to FOIA, 5 U.S.C. § 552(b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, which include crime prevention and security measures. These documents contain highly sensitive information, the disclosure of which would enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.
2. Construction Meeting Agendas and Minutes, and Project Management Plans, under Exemption 5, which permits the withholding of pre-decisional and deliberative material, the release of which could cause “injury to the quality of agency decisions” and compromise the “decision making processes of government agencies.” 5 U.S.C. § 552(b)(5).

In closing, please note that GSA's response to your pending FOIA Requests (GSA-2016-000327 and GSA-2016-000422) is meant to complement the response to your FOIA Request GSA-2016-000072 and this supplemental response. Requests GSA-2016-000327 and GSA-2016-000422 addresses email correspondence, and is currently being processed.

You have the right to appeal the partial denial of the information withheld. To do so, you must write, within 120 days of your receipt of this letter, to the following address:

Freedom of Information Act Office (H1C)
U.S. General Services Administration
1800 F Street, NW, Room 7308
Washington, DC 20405-0001

Your appeal must be in writing and contain a brief statement of the reasons why the withheld information should be released. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions concerning this matter, please contact Mr. Kennan McGill at (415) 522-3204 or by email to kennan.mcgill@gsa.gov.

Sincerely,

Travis Lewis

Travis Lewis
FOIA Program Manager

Enclosures